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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,568	09/29/2003	Matthew Fenton Davis	6716/ETCH/SILICON	3852
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PATTERSON & SHERIDAN, LLP 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056			EXAMINER KACKAR, RAM N	
			ART UNIT	PAPER NUMBER

1763

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,568

Applicant(s)

DAVIS ET AL.

Examiner

Ram N. Kackar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-18,20,21,23-33,50-52 and 54-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-18,20,21,23-33,50-52 and 54-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/2006 has been entered.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires that when new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

In this instance claim 54 is presented after 52. It is suggested that claim 53 is expressly cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 3-4, 6-7, 17-18, 20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony J. Toprac (US 6379980) in view of John H. Payne (US 5329381)**

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and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677) as evidenced by Robert John Wilby (US patent publication 2003/0141572).

Anthony J. Toprac discloses a method of monitoring an etch process and discloses pre-etch measurement (Fig 3-310 and Fig 1- 100, 120) by pre-etch metrology tool (120) this data is transferred to process controller (150) which monitors the etch process in cooperation with the etching tool (130) and end point monitor (140) which is basically a spectrometer (Col 3 line 32-Col 5 line 9). Anthony J. Toprac further teaches that the etch process monitor allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (Col 4 lines 53 to Col 5 line 9). The pre-etch metrology tool disclosed is a commercially available tool using optical ellipsometry or reflectometry (See Robert John Wilby US patent publication 2003/0141572 paragraph 0099).

Toprac however does not disclose the details of the measurement techniques and specially noise elimination for the accuracy of the measurement.

John H. Payne discloses special filter to remove outliers (these are erroneous data points lying outside good data points) and teaches that this is a nonlinear noise-cleaning filter (Col 8 lines 17-24).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used outlier filter to remove noise in order to improve the accuracy of measurement of pre-etch.

Regarding the limitation of “analyzing the pre-etch measurement information to determine that a patterning is of a sufficient quality to allow for etching of the substrate” it is

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noted that when there are several processes done sequentially on a substrate, every process step adds value to the substrate and the usefulness and success of one process depends upon the success of a preceding processes. If the preceding process results in a defective product there would be no sense in any subsequent processing investment. In the industry it is called “garbage in garbage out”. For this reason there are quality checks at every stage of the process.

Yonezawa et al discloses an inspection of a substrate with photoresist to measure a resist removal width (Paragraph 50) and goes on to judgment part to determine acceptable or unacceptable for subsequent processing.

Similarly Shoham et al disclose inspection of a substrate to determine if allowed to continue to next process (Flow chart of Fig 2) and Egermeier et al disclose inspection and analysis of wafer contamination to decide if further processing should continue (Flow chart of Fig 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use pre-etch measurement to decide if etch processing should continue on the basis of patterning quality which would be preceding step.

Regarding claim 18 mask trim is a regular etch process using reactants known to one of ordinary skill in the art.

Regarding claim 20, the process disclosed above is applicable to photoresist-patterned masks as is well known in the art.

5. Claims 1, 3-4, 6-9, 11-13, 15, 17-18, 20, 23-26, 28-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klippert II et al (US 6136712) in view of John H.

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Payne (US 5329381) and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677).

Klippert II et al disclose a method of monitoring an etch process and discloses pre-etch measurement (Col 4 line 64-Col 5 line 1) before starting an etch process which is further monitored by the etch process monitor to allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (abstract). The pre-etch metrology tool for thickness measurement and during etching process monitoring is disclosed to be through commercially available metrology systems employing interferometric measurement and monitoring techniques (Col 4 line 45 to Col 5 line 30).

Klippert II et al however do not disclose the details of the measurement techniques and specially noise elimination for the accuracy of the measurement.

John H. Payne discloses special filter to remove outliers (these are erroneous data points lying outside good data points) and teaches that this is a nonlinear noise-cleaning filter (Col 8 lines 17-24).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used outlier filter to remove noise in order to improve the accuracy of measurement of pre-etch.

Regarding the limitation of “analyzing the pre-etch measurement information to determine that a patterning is of a sufficient quality to allow for etching of the substrate” as discussed above Yonezawa et al, Shoham et al and Egermeier et al disclose inspection and analysis of wafer contamination to decide if further processing should continue.

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Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use pre-etch measurement to decide if etch processing should continue on the basis of patterning quality which would be preceding step.

6. Claims 1, 3-4, 6-9, 11-13, 15, 17-18, 20, 23-26, 28-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrucci et al (WO 01/24254 A1) in view of John H. Payne (US 5329381) and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677).

Petrucci et al disclose a method of monitoring an etch process and discloses pre-etch measurement (Paragraph 18) before starting an etch process which is further monitored by the etch process monitor to allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (abstract). The pre-etch metrology tool for thickness measurement is disclosed to be through preferably a laser system based on ellipsometry (Paragraph 20) and during etching process monitoring employing interferometric measurement and monitoring techniques (Paragraph 5).

Petrucci et al however do not disclose the details of the measurement techniques and specially noise elimination for the accuracy of the measurement.

John H. Payne discloses special filter to remove outliers (these are erroneous data points lying outside good data points) and teaches that this is a nonlinear noise-cleaning filter (Col 8 lines 17-24).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used outlier filter to remove noise in order to improve the accuracy of measurement of pre-etch.

Regarding the limitation of “analyzing the pre-etch measurement information to determine that a patterning is of a sufficient quality to allow for etching of the substrate” as discussed above Yonezawa et al, Shoham et al and Egermeier et al disclose inspection and analysis of wafer contamination to decide if further processing should continue.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use pre-etch measurement to decide if etch processing should continue on the basis of patterning quality which would be preceding step.

7. Claims 1, 3-4, 6-9, 11-13, 15, 17-18, 20, 23-26, 28-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimbergen et al (US 6390019) in view of John H. Payne (US 5329381) and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677).

Grimbergen et al disclose a method of monitoring an etch process and discloses pre-etch measurement (Col 13 lines 17-25) before starting an etch process which is further monitored by the etch process monitor to allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (abstract). The pre-etch metrology tool for thickness measurement is disclosed to be a commercial system using reflectance thickness measurement system and during etching process monitoring employing interferometric or ellipsometry measurement and monitoring techniques (Col 7 line 60-Col 8 line30).

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Grimbergen et al however do not disclose the details of the measurement techniques and specially noise elimination for the accuracy of the measurement.

John H. Payne discloses special filter to remove outliers (these are erroneous data points lying outside good data points) and teaches that this is a nonlinear noise-cleaning filter (Col 8 lines 17-24).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used outlier filter to remove noise in order to improve the accuracy of measurement of pre-etch.

Regarding the limitation of “analyzing the pre-etch measurement information to determine that a patterning is of a sufficient quality to allow for etching of the substrate” as discussed above Yonezawa et al, Shoham et al and Egermeier et al disclose inspection and analysis of wafer contamination to decide if further processing should continue.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use pre-etch measurement to decide if etch processing should continue on the basis of patterning quality which would be preceding step.

8. Claims 10, 20 and 27 are rejected under 35 U.S.C. 102(b) as being unpatentable over Anthony J. Toprac (US 6379980) in view of John H. Payne (US 5329381) and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677) as applied to claims 1, 3-4, 6-7, 17-18, 20 and 23-24 and further in view of Bin Yu (US 6368982).

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Anthony J. Toprac discloses a method of monitoring an etch process in cooperation with the etching tool (130) and end point monitor (140) which is basically a spectrometer (Col 3 line 32- Col 5 line 9). Anthony J. Toprac further teaches that the etch process monitor allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (Col 4 lines 53 to Col 5 line 9).

Anthony J. Toprac does not disclose measurement of features such that horizontal etch and vertical etch accuracy could be validated from measurement of each other.

Bin Yu discloses a method of mask trim and discloses that the mask undergoes etching from all sides and leaves a scaled down length and discloses that the two sides and the top are trimmed by substantially the same trim length (Fig 1 to Fig 3 and Col 1 line 50- Col 2 line 5).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used correlation between horizontal etch and vertical etch to validate the accuracy of trim during trim etch.

9. Claims 14 and 31 are rejected under 35 U.S.C. 102(b) as being unpatentable over Klippert II et al (US 6136712) in view of John H. Payne (US 5329381) and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677) as applied to claims 1, 3-4, 6-9, 11-13, 15, 17-20, 23-26, 28-30 and 32 and further in view of Nakada et al (JP 11-251252).

Klippert II et al disclose a method of monitoring an etch process and discloses pre-etch measurement (Col 4 line 64-Col 5 line 1) before starting an etch process which is further monitored by the etch process monitor to allow etching to a certain end point time to a

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predetermined depth and monitor for remaining thickness after removal (abstract). The pre-etch metrology tool for thickness measurement and during etching process monitoring is disclosed to be through commercially available metrology systems employing interferometric measurement and monitoring techniques (Col 4 line 45 to Col 5 line 30).

Klippert II et al do not disclose modulation of the intensity of light for measurement.

Nakada et al disclose that light having a desired wavelength and modulation of intensity is used for monitoring a plasma (Abstract).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to use intensity modulation to have better signal/noise ratio as intensity modulation helps to eliminate noise.

10. Claims 16 and 33 are rejected under 35 U.S.C. 102(b) as being unpatentable over Grimbergen et al (US 6390019) in view of John H. Payne (US 5329381) and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677) as applied to claims 1, 3-4, 6-9, 11-13, 15, 17-20, 23-26, 28-30 and 32 and further in view of Grimbergen et al (US 6406924).

Grimbergen et al disclose a method of monitoring an etch process and discloses pre-etch measurement (Col 13 lines 17-25) before starting an etch process which is further monitored by the etch process monitor to allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (abstract). The pre-etch metrology tool for thickness measurement is disclosed to be a commercial system using reflectance thickness

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measurement system and during etching process monitoring employing interferometric or ellipsometry measurement and monitoring techniques (Col 7 line 60-Col 8 line30).

Grimbergen et al in US 6390019 do not disclose correlation between spectrum minima and width of structures formed during etch. However as the structures are etched the minimas and maxima of the interferometric signal shift since the position of minima and maxima are indicative of etch depth as taught in other patent (US 6406924 – Col 1 line 59-Col 2 line 8).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used correlation between minima and width of etch to validate the accuracy of trim during trim etch.

11. Claim 21 is rejected under 35 U.S.C. 102(b) as being unpatentable over Anthony J. Toprac (US 6379980) in view of John H. Payne (US 5329381) and Yonezawa et al (US 20030222231) or Shoham et al (US 20040028267) or Egermeier et al (US 20020006677) as applied to claims 1, 3-4, 6-7, 17-18, 20 and 23-24 and further in view of Cha et al (US 6319767).

Anthony J. Toprac discloses a method of monitoring an etch process and discloses pre-etch measurement (Fig 3-310 and Fig 1- 100, 120) by pre-etch metrology tool (120) this data is transferred to process controller (150) which monitors the etch process in cooperation with the etching tool (130) and end point monitor (140) which is basically a spectrometer (Col 3 line 32-Col 5 line 9). Anthony J. Toprac further teaches that the etch process monitor allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (Col 4 lines 53 to Col 5 line 9). The pre-etch metrology tool disclosed is a commercially

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available tool using optical ellipsometry or reflectometry (See Robert John Wilby US patent publication 2003/0141572 paragraph 0099).

Anthony J. Toprac does not disclose the mask etch trim process to be a regular plasma etch.

Cha et al disclose that the photoresist mask is reduced by plasma (Col 3 lines 30-35).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used plasma to reduce photoresist mask produced by lithography to further reduce by plasma for reduction of feature size of layer etched by using the patterned photoresist mask.

12. Claims 50-52 and 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grimbergen et al (US 6390019) in view of John H. Payne (US 5329381) and further in view of Cha et al (US 6319767) and Bin Yu (US 6368982).

Grimbergen et al disclose a method of monitoring an etch process and discloses pre-etch measurement (Col 13 lines 17-25) before starting an etch process which is further monitored by the etch process monitor to allows etching to a certain end point time to a predetermined depth and monitor for remaining thickness after removal (abstract). The pre-etch metrology tool for thickness measurement is disclosed to be a commercial system using reflectance thickness measurement system and during etching process monitoring employing interferometric or ellipsometry measurement and monitoring techniques (Col 7 line 60-Col 8 line30).

Grimbergen et al however do not disclose the details of the measurement techniques and specially noise elimination for the accuracy of the measurement.

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John H. Payne discloses special filter to remove outliers (these are erroneous data points lying outside good data points) and teaches that this is a nonlinear noise-cleaning filter (Col 8 lines 17-24).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used outlier filter to remove noise in order to improve the accuracy of measurement of pre-etch.

Grimbergen et al do not disclose the etch process to be a mask etch trim process.

Cha et al disclose that the photoresist mask is reduced by plasma (Col 3 lines 30-35).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used monitoring techniques taught by Grimbergen to mask etch trim process to further reduce size of features in a patterned photoresist mask.

Grimbergen et al in view of John H. Payne and Cha et al do not disclose measurement of features such that horizontal etch and vertical etch accuracy could be validated from measurement of each other.

Bin Yu discloses a method of mask trim and discloses that the mask undergoes etching from all sides and leaves a scaled down length and discloses that the two sides and the top are trimmed by substantially the same trim length (Fig 1 to Fig 3 and Col 1 line 50- Col 2 line5) to provide correlation between horizontal and vertical etch.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to have used correlation between horizontal etch and vertical etch to validate the accuracy of trim during trim etch.

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13. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grimbergen et al (US 6390019) in view of John H. Payne (US 5329381) and Cha et al (US 6319767) and Bin Yu (US 6368982) as applied to claims 50-52 and 54-60 and further in view of Nakada et al (JP 11-251252).

Grimbergen et al in view of John H. Payne and Cha et al and Bin Yu do not disclose modulation of the intensity of light for measurement.

Nakada et al disclose that light having a desired wavelength and modulation of intensity is used for monitoring a plasma (Abstract).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to use intensity modulation to have better signal/noise ratio as intensity modulation helps to eliminate noise.

14. Claims 50-52 and 54-60 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony J. Toprac (US 6379980) or Klippert II et al (US 6136712) or Petrucci et al (WO 01/24254 A1) in view of John H. Payne (US 5329381) and further in view of Cha et al (US 6319767) and Bin Yu (US 6368982).

Anthony J. Toprac and Klippert II et al and Petrucci et al disclose all the limitations of these claims except as discussed above.

John H. Payne, Cha et al and Bin Yu supplement the rejection as above.

Response to Arguments

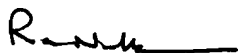
Applicant's arguments filed 10/19/2006 have been fully considered but they are moot in view of new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N. Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571 272 1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ram Kackar
Primary Examiner AU 1763